

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

HORIZON GLOBAL AMERICAS INC.

Case No. 2:17-cv-11879

Plaintiff,

v.

Honorable Denise Page Hood

CURT MANUFACTURING, LLC,

Magistrate Judge Curtis Ivy, Jr.

Defendant.

SCHEDULING ORDER

This case having come before the court pursuant to Rule 16 of the Federal Rules of Civil Procedure, the court **orders** the following schedule controlling the progress of this case:

First Set of Patents

Paradigm Patent Claims

As required by the Court's Claim Construction Order (ECF #30), the parties designated the following patent claims to proceed as to the First Set of Patents:

<i>Party</i>	<i>Paradigm Patent Claims</i>
Horizon	9,522,583, claims 1 and 4 9,592,863, claims 1 and 4 9,248,713, claims 1 and 4 8,179,142, claims 1 and 31
Curt	7,745,899, claims 9 and 13

Witnesses: All fact witnesses to be called at trial shall be listed by July 17, 2023.

Discovery: The parties shall serve their initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) no later than April 17, 2023.

All fact discovery shall be completed by September 8, 2023.

Opening expert reports for issues on which a party bears the burden of proof shall be served by October 9, 2023. Rebuttal expert reports shall be served by November 10, 2023. Expert discovery shall be completed by December 22, 2023.

Mediation: This case has been referred for private mediation. Mediation occurred on September 20, 2022, and it was unsuccessful in resolving the dispute.

Motions: No motions other than trial motions **in limine** may be filed after February 2, 2024.

Motion practice will be governed by Local Rule 7.1.

Settlement

Conference* Date: May 13, 2024 Time: 2:30 p.m.

Final Pretrial

Conference:* The final pretrial conference is scheduled for **June 10, 2024, 2:00 p.m.**

*A proposed Joint Final Pretrial Order signed by counsel for all parties shall be submitted to the court one (1) week prior to the final pretrial conference. The requirements of such a pretrial order, as set forth in Local Rule 16.2 are attached. Compliance with these requirements is mandatory. **Note:** Trial counsel and the parties, or a representative with full settlement authority, are required to attend the settlement conference and final pretrial conference.

Trial (Jury): The Court previously bifurcated liability and damages for purposes of trial. (ECF # 30, ¶ 1.) Trial on liability is scheduled to commence on **July 16, 2024, 9:00 a.m.**, with trial on damages to occur immediately after any verdicts finding liability are returned with the same jury.

Other Matters:

THE COURT WILL ISSUE A SCHEDULING ORDER ON THE SECOND SET OF PATENTS AFTER ENTRY OF AN ORDER ON ANY SUMMARY JUDGMENT MOTION. The parties may submit a proposed scheduling order if by that time the parties are able to agree on the dates. If unable to do so, the Court will consider the parties' proposal below when it issues the Scheduling Order on the Second Set of Patents.

Second Set of Patents

The parties shall further follow the following deadlines for claim construction proceedings for the second set of patents:

<i>Event</i>	<i>Horizon's Proposal</i>	<i>CURT's Proposal</i>
Designate no more than two claims from each of the remaining patents as paradigm ¹	30 days after a summary judgment order or jury verdict resolving all paradigm claims in the first set of patents	60 days after a summary judgment order or jury verdict resolving all paradigm claims in the first set of patents
Exchange of Proposed Terms for Construction	30 days after identification of paradigm claims from second set of patents	60 days after identification of paradigm claims from second set of patents
Exchange of Preliminary Claim Constructions and Evidence	14 days after exchange of proposed terms for construction	
Opening Expert Reports on Claim Construction Issues	14 days after exchange of preliminary claim constructions and evidence	30 days after exchange of preliminary claim constructions and evidence

¹ For Horizon, U.S. Patent Nos. 8,360,458 and 6,012,780, and for CURT, U.S. Patent No. 7,195,269.

<i>Event</i>	<i>Horizon's Proposal</i>	<i>CURT's Proposal</i>
Rebuttal Expert Reports on Claim Construction Issues	14 days after opening reports	30 days after opening reports
Completion of Expert Depositions on Claim Construction Issues	14 days after rebuttal reports	30 days after rebuttal reports
Exchange of Final Claim Constructions and Evidence	7 days after completion of expert depositions on claim construction issues	
Contemporaneous Opening Claim Construction Briefs	14 days after deadline for completion of expert depositions	30 days after deadline for completion of expert depositions
Contemporaneous Response Claim Construction Briefs	30 days after opening briefs	
Joint Claim Construction and Prehearing Statement	14 days after response briefs	
Informal Technology Tutorial	TBD by Court	
Claim Construction Hearing	TBD by Court	

Witnesses: All fact witnesses to be called at trial shall be listed

<i>Horizon's Proposal</i>	<i>Curt's Proposal</i>
within two weeks after the Court's Claim Construction Order.	within two (2) months after the Court's Claim Construction Order.

Discovery:

<i>Event</i>	<i>Horizon's Proposal</i>	<i>CURT's Proposal</i>
Rule 26(a)(1) Initial Disclosures	30 days after identification of paradigm claims	
Start Fact Discovery	60 days after final judgment on all paradigm claims in first set	

<i>Event</i>	<i>Horizon's Proposal</i>	<i>CURT's Proposal</i>
Fact Discovery to be Completed	two (2) months after the Court's Claim Construction Order on the paradigm claims of the second set of patents	four (4) months after the Court's Claim Construction Order on the paradigm claims of the second set of patents
Opening Expert Reports for Issues on Which a Party Bears the Burden of Proof	30 days after the close of fact discovery	
Rebuttal Expert Reports	30 days after opening reports	
Expert Discovery Deadline	30 days after service of rebuttal expert reports	

Motions:

<i>Event</i>	<i>Horizon's Proposal</i>	<i>CURT's Proposal</i>
Deadline for filing motions, other than trial motions in limine	30 days after completion of expert discovery	

Motion practice will be governed by Local Rule 7.1.

Settlement**Conference*:**

<i>Horizon's Proposal</i>	<i>CURT's Proposal</i>
TBD	

Final Pretrial**Conference*:**

<i>Horizon's Proposal</i>	<i>CURT's Proposal</i>
TBD	

*A proposed Joint Final Pretrial Order signed by counsel for all parties shall be submitted to the court one (1) week prior to the final pretrial

conference. The requirements of such a pretrial order, as set forth in Local Rule 16.2 are attached. Compliance with these requirements is mandatory. **Note:** Trial counsel and the parties, or a representative with full settlement authority, are required to attend the settlement conference and final pretrial conference.

Trial (Jury):

<i>Horizon's Proposal</i>	<i>CURT's Proposal</i>
TBD	

Other Matters:

NO FURTHER NOTICES WILL BE MAILED

Dated: April 12, 2023

s/Denise Page Hood

United States District Judge